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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT JUNEAU**

MYRNA I. JOHNSON,)
Plaintiff,)
vs.)
FRED MEYER STORES, INC., and)
JAIME SAN MIGUEL,)
Defendants) Case No. J-04-008 CV (RRB)

**DECLARATION OF MARK CHOATE IN SUPPORT OF PLAINTIFF'S OPPOSITION
TO MOTION FOR SUMMARY JUDGMENT**

I, Mark Choate, declare under oath as follows:

1. I am an attorney with the Choate Law Firm LLC, and am the principal attorney for the plaintiff in the above-captioned matter. I make this declaration based on my personal knowledge and the records and files herein.

2. I attended the deposition of Myrna Johnson on January 23, 2006 and took the depositions of Jaime San Miguel on January 24, 2006, Johnna Havard on January 25, 2006 and Fred Sayre on January 27, 2006. Attached as Exhibits 4 (San Miguel), Exhibit 33 (Johnson), Exhibit 47 (Sayre) and Exhibit 51 (Havard) are true and correct copies of selected deposition transcript pages. I have included mini-transcripts as well for ease of reading.

1 of 2

Johnson, Myrna v Fred Meyers (03/18/2002) [23003].

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JUDGMENT
J-04-008 CV (RRB)

1 3. The remaining exhibits 1 through 3, 5 through 32, 34 through 46, 48 through 50
2 and 52 are true and correct copies of documents either obtained from the Alaska State Human
3 Rights Commission, provided by the defendants in the course of discovery (marked with Bates
4 Numbers), or were produced by our office in support of this Opposition – Affidavit of Myrna
5 Johnson (Ex. 1), Affidavit of Mary Drodgy (Ex. 45) and Affidavit of Rhonda Cox (Ex. 46).

6 I declare under penalty of perjury under the laws of the United States of America that
7 the foregoing is true and correct.

s/Mark Choate

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2 of 2

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